

The Board of Supervisors (the "Board") of DeSoto County, Mississippi (the "County"), took up for consideration the matter of adopting a revised ordinance addressing animal control within the County. After a discussion of the subject, Supervisor Mark Garder offered and moved for the adoption of the following order:

**ORDER APPROVING AND ADOPTING ORDINANCE ESTABLISHING
GUIDELINES AND REGULATIONS FOR
ANIMAL CONTROL WITHIN DESOTO COUNTY, MISSISSIPPI**

WHEREAS, the Board finds it necessary to regulate the keeping of animals, including dangerous and nuisance animals, within the County, so as to protect and promote the health, safety and welfare of the public; and

WHEREAS, the Board has the authority to adopt an ordinance establishing regulations concerning the keeping of animals pursuant to the authority given to the Board by the "home rule," Miss. Code Ann. Section 19-3-40; and

WHEREAS, the Board finds that the regulations, prohibitions and standards set forth in the "ORDINANCE ESTABLISHING GUIDELINES AND REGULATIONS FOR ANIMAL CONTROL WITHIN DESOTO COUNTY, MISSISSIPPI," attached hereto, are in the best interest of the citizens of DeSoto County, Mississippi and the public at large, and the adoption and implementation of said ordinance is necessary and proper.

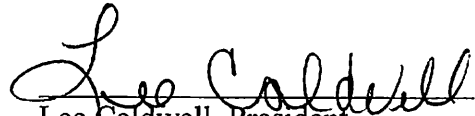
THEREFORE, BE IT ORDERED, as follows:

1. The Board hereby adopts the "ORDINANCE ESTABLISHING GUIDELINES AND REGULATIONS FOR ANIMAL CONTROL WITHIN DESOTO COUNTY, MISSISSIPPI," (the "Ordinance") as attached hereto.
2. The Ordinance regulates important matters of health and safety and shall become effective immediately upon its passage.

ORDERED, this the 4th day of August, 2014, upon motion made by Supervisor

Gardner and seconded by Supervisor Russell and approved by the following vote:

Supervisor Jessie Medlin	YES
Supervisor Mark Gardner	YES
Supervisor Bill Russell	YES
Supervisor Lee Caldwell	YES
Supervisor Harvey Lee	YES


Lee Caldwell, President

DeSoto County Board of Supervisors

DATE: August 4, 2014

I, hereby, certify that the foregoing is a true copy of the Order adopted in the regular meeting of the DeSoto County Board of Supervisors on the 4th day of August, 2014.

ATTEST:

WE "Sluggo" Davis, Chancery Clerk
W.E. "Sluggo" Davis, Clerk By: A. Smith DC



**ORDINANCE ESTABLISHING GUIDELINES AND REGULATIONS
FOR ANIMAL CONTROL WITHIN DESOTO COUNTY, MISSISSIPPI**

WHEREAS, the Board of Supervisors (the Board) for DeSoto County, Mississippi (the County), finds it necessary to strictly regulate the keeping of animals, including dangerous and nuisance animals, in order to protect and promote the health, safety and welfare of the public; and

WHEREAS, the Board finds that the regulations, prohibitions and standards set forth herein are in the best interest of the citizens of DeSoto County, Mississippi, and the public at large; and

WHEREAS, all prior ordinances establishing guidelines and regulations for the enforcement of animal control within DeSoto County, Mississippi, are hereby repealed by approval of this Ordinance Establishing Guidelines and Regulations for Animal Control (the Ordinance).

THEREFORE, be it enacted by the Board as follows:

SECTION 1

SHORT TITLE

This ordinance shall be known as the Animal Control Ordinance, but sometimes referenced herein as “this ordinance.”

SECTION 2

APPLICABILITY

This ordinance shall apply to and be enforced within the unincorporated boundaries of the County.

SECTION 3

DEFINITIONS

A. Abandon or Abandoned means leaving an Animal unattended for a period in excess of 48 hours without providing Adequate Care and, as necessary, checking on the Animal’s condition.

Definitions -continued

B. Adequate Care means care of an Animal to include, but not be limited to: providing a clean, safe shelter that gives protection from the weather, sufficient heat and ventilation; providing wholesome food and water; providing exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

C. Animal means any live, vertebrate creature, domestic or wild, except humans.

D. Animal Service Department means the department authorized by the Board to maintain and operate the DeSoto County Animal Shelter and to enforce this ordinance.

E. Animal Service Officer means any person that is employed with the Animal Service Department

F. Animal Shelter means any facility operated by a humane society, municipal or county agency, or its authorized agents, for the purpose of impounding or caring for Animals.

G. Dangerous Animal

(1) Any Animal which, while unprovoked: (a) causes Severe Injury to a human or otherwise attacks a human while unprovoked.

(2) Any Animal which is owned, bred, trained or harbored with the intent, in whole or part, to be wilfully entered into a fighting match with another Animal.

(3) Any Animal which inflicts Severe Injury upon a Domestic Animal, Livestock or Pet without provocation while off the Owner's or Harborer's property.

EXCEPTIONS Notwithstanding the above, (i) no Animal may be considered a Dangerous Animal if it injures a person who, at the time of such injury or damage was: committing a willful trespass or other tort upon the premises occupied by the Harborer of the Animal; or was teasing, tormenting, abusing or assaulting the Animal; or was committing or

Definitions -continued

attempting to commit a crime; (ii) no Animal may be considered a Dangerous Animal if it injures a Domestic Animal or Pet, which at the time of such injury was teasing, tormenting, abusing or assaulting the Animal; (iii) no Animal may be considered a Dangerous Animal if the Animal was protecting or defending a human within the immediate vicinity of the Animal from an unjustified attack or assault; (iv) no Animal may be considered a Dangerous Animal for inflicting injury upon a Domestic Animal or Livestock while it was working as a hunting animal, herding animal or predator control animal while on the property of, or under the control of its Owner or Harboring, and the injury was to a species or type of Domestic Animal or Livestock which is specific to the work of the Animal.

H. Deputy means a sworn deputy of the DeSoto County Sheriff's Department.

I. Domestic Animal means an Animal which customarily lives in or about the habitations of people and is commonly considered to be a tame animal.

J. Enclosure (i) means a fenced area or a structure which is suitable to confine an Animal. The structure shall be designed in a manner to prevent the Animal from escaping and, at a minimum, consist of the following elements:

1. sides of such a height as to prohibit escape;
2. a ground surface, or a floor raised off the ground, free of holes, cracks, depressions or other conditions where excessive insects, rodents or eggs from parasites may lodge and breed;
3. adequate size to allow the Animal to stand up and move freely about;
4. cleaned and maintained in a manner to insure sanitary conditions and protect the Animal from injury and disease;

Definitions -continued

5. sufficient space to allow the Animal to relieve itself away from its Shelter and the area where the Animal eats;

6. allows the Animal convenient access to clean food and water;

7. includes a Shelter.

(ii) Electronic animal confinement systems shall be considered an acceptable Enclosure when:

a. the equipment used is maintained and in continuous working order, and the Animal to be contained wears the appropriate electronic control device while within the established perimeter; and

b. the equipment includes a backup system to ensure the Animal will remain within the established perimeter in the event of a system failure; and

c. in cases where an Animal has been deemed a Dangerous Animal, or has been trained to be a guard Animal, then an electronic animal confinement system may not be used as the primary enclosure.

d. Owners who restrain their Animals by means of an electronic animal confinement system, who are found to be in violation of the requirements for such system, may no longer use such system as the primary system of enclosure and must thereafter enclose the Animals as otherwise provided herein.

K. Feral Animal (aka wild animal) means any Animal that has escaped from domestication and become wild, dangerous or untamed.

L. Harborer means any person, partnership, corporation or other entity which feeds or shelters an Animal, or is knowingly permits it to remain on or about any premises occupied by or under its control, for a period of ten (10) days or longer.

Definitions -continued

M. Livestock means horses, mules, sheep, goats, cattle, swine and other domesticated animals kept or raised for use or pleasure, but excluding pets.

N. Owner means any person, partnership, corporation or other entity owning, or having the legal right to possess or have control over an Animal.

O. Pet means any Animal kept purely for personal pleasure rather than utility or as Livestock.

P. Potentially Dangerous means an Animal with a known propensity, tendency or disposition to make unprovoked attacks upon humans or other Animals.

Q. Public Nuisance means any Animal which repeatedly or frequently:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other Animals;
- (3) Trespasses on school grounds, county parks, or private property;
- (4) Is Running at large;
- (5) Damages private or public property;
- (6) vocalizes in a manner which are plainly audible to a person of ordinary hearing, not on the same property as the Animal making the vocalization, for a period of more than 15 minutes without interruption or more than 30 minutes with brief or limited interruption. Those persons enforcing this provision need not measure the level of vocalization by a sound meter but may rely upon their own senses and the reports of surrounding property owners. Vocalizations that are the result of the Animal

Definitions -continued

responding to an emergency or a warning to the presence of an intruder
are not deemed a public nuisance.

- (7) Defecates or urinates on public property or private property of one other than its Owner; or
- (8) Is in heat while not confined within an Enclosure sufficient to prevent unintentional breeding.
- (9) Damages gardens or other foliage.
- (10) Gets into or turns over garbage pails.
- (11) Walks on, sleeps on or scratches an automobile of one other than the Harboring.
- (12) Is found on the property of another.
- (13) Otherwise causes undue annoyance to one other than the Harboring.

R. Restraint or Restrained means securing any Animal by Tethering or otherwise controlling in such a way that the Animal remains confined within the real property limits of its Harboring. When the Animal is off the property of the Harboring it means keeping the Animal secured in a suitable carrier or by leash or lead of not more than six (6) feet.

S. Running at Large describes any Animal off the property of the Harboring while not under Restraint. Notwithstanding the foregoing, no dog may be considered to be running at large while:

- (i) it is working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its Owner;

Definitions -continued

(ii) it is bodily carried by a person who is capable of controlling and restraining the Animal;

(iii) it is under voice control and is actively participating in organized group training or is in an official showing, obedience or field event.

T. Secure Enclosure means an Enclosure which includes the following additional features:

1. a locking mechanism or other design to prevent the entry of young children;
2. secured sides and a secured top attached to each side;
3. sides which are embedded in the ground no less than two (2) feet or meet with a solid floor or slab so as to prevent the Animal's escape.
4. the access to the structure shall be inward opening and kept locked at all times except when tending to the Animal's needs.

U. Severe Injury means any physical injury which results in broken bones, significant or disfiguring lacerations, hospitalization, professional medical attention, suturing, cosmetic surgery, or death.

V. Shelter means a protective covering for an Animal that is of adequate size and provides adequate protection to maintain the Animal in a state of good health, and that prevents pain, suffering, or significant risk to the Animal's health. Adequate shelter shall consist of a completely enclosed structure with four sides with a door opening, a constructed floor, and a roof. It should also be clean, dry and compatible with current weather conditions and allows the Animal to remain dry during rain or precipitation, in consideration of the age, size, species and condition of the Animal. The structure should be of sufficient size to allow the Animal to stand,

Definitions -continued

turn around, lie down and go in and out of the structure comfortably. To be adequate, some type of bedding that is quick drying, such as hay or pine straw, must be provided to maintain comfortable temperatures within the structure during times when the ambient, outside temperature is below freezing. From April through October, the structure shall either be shaded or moved out of direct sunlight. If the shelter is made of wood, it shall be raised at least two inches off the ground to prevent seepage or rotting. Examples of inadequate shelter include, but are not limited to, lean-tos, metal or plastic drums, boxes, abandoned vehicles, porches, decks, or material that does not provide sufficient protection from the elements.

W. Stray means an Animal wandering at large, is lost or has no known home.

X. Tethering means the act of securing an Animal by means of a leash, wire cable or similar restraint designed to keep the Animal exclusively on the secured premises. Tethers shall be located so that they cannot become entangled with other objects. Collars used to attach an Animal to a tether shall not be of a choke type. No tether shall employ a restraint which is less than ten (10) feet in length or weighs more than 1/8 of the Animal's body weight.

SECTION 4

INTERFERING WITH ENFORCEMENT OF THIS ORDINANCE PROHIBITED

A. It shall be a violation of this ordinance to interfere with an Animal Service Officer in the performance of his duties.

B. It shall be a violation of this ordinance for any person to remove, alter, damage, or otherwise tamper with a trap or equipment belonging to the Animal Service Department, or set out by any Animal Service Officer.

Interfering with Enforcement of this Ordinance Prohibited -continued

Animal Service Department. Any person found to be in violation of this provision shall be ordered to pay restitution to the Animal Service Department in addition to any other penalties provided for herein.

SECTION 5

EXPOSING TO POISONS

A. No person, with the intent to harm any Animal, shall cause any known poisonous substance, whether mixed with food or not, to be exposed to an Animal in a manner such that the same may be ingested; provided that it shall not be unlawful for a person to expose on his own property common pest-control poisons, or common household poisons, in accordance with the manufacturers use instructions.

SECTION 6

**DESIGNATION OF POTENTIALLY DANGEROUS ANIMALS AND
DANGEROUS ANIMALS**

A. An Animal Service Officer shall, as deemed necessary, conduct an investigation into reported incidents involving Animals that may fall within the definition of Potentially Dangerous Animal or Dangerous Animal. If possible, the Animal Service Officer will interview the Harboring and/or Owner of the Animal in question and obtain sworn affidavits from individuals desiring to have the Animal classified as a Potentially Dangerous Animal or Dangerous Animal.

B. After the investigation, the Animal Service Department, by its acting director, shall make an initial determination as to whether there is sufficient cause to classify the Animal in question as a Potentially Dangerous Animal or Dangerous Animal. Written notification of the findings of the Animal Service Department will be sent to the Owner and, if different, the Harboring of the Animal by registered mail. The Owner, and if different, the Harboring, may file a written request, within ten (10) days from the date of receipt of the notification of the findings, for a hearing on the issue of the Animal's classification as a Potentially Dangerous Animal or Dangerous Animal. Upon receipt of the written request of the Owner or, if different,

Designation of Potentially Dangerous Animals and Dangerous Animals-continued

the Harbored, for a hearing the Animal Services Department will schedule a hearing in the DeSoto County Justice Court to review the classification determination (the "Determination Hearing,") and provide notice to the Owner/Harbored of the hearing date. The Determination Hearing shall be held as soon as possible, but not more than twenty one (21), nor less than seven (7) days after receipt of the request for said hearing. If a request for a Determination Hearing is not made within the ten (10) day time period the right to appeal the decision of the Animal Service Department shall be waived.

C. During the period of investigation and Determination Hearing process set forth above, the Animal in question must be confined in a Secure Enclosure or surrendered to the Animal Service Department for impoundment. If surrendered for impoundment, all costs of housing the Animal will be paid by the Harbored prior to the Animal being released.

D. No Animal that is subject to an ongoing investigation or Determination Hearing under this section may be relocated nor ownership transferred, other than to the Animal Service Department, unless the relocation or change in ownership is for the purpose of placing the Animal in a Secure Enclosure. In the event of the Animal's relocation or change in ownership the Animal Service Department must be notified immediately and provided with all requested information.

E. Decisions of the DeSoto County Justice Court may be appealed pursuant to Rule 1.25 of the Uniform Rules of Procedure for Justice Court.

SECTION 7

KEEPING OF DANGEROUS ANIMALS AND EXOTIC ANIMALS:

A. It is unlawful for any person to keep, possess, harbor, maintain or own a Animal that has been declared a Dangerous Animal except as otherwise provided for herein. All Dangerous Animals shall be securely confined indoors or confined in a Secure Enclosure except as otherwise permitted by subparagraph B.

B. No Owner or Harbored of a Dangerous Animal shall permit the animal to go beyond the premises of his property unless the Dangerous Animal is securely Restrained and under the direct control of a person who is at least eighteen (18) years of age and sufficiently

Keeping of Dangerous Animals and Exotic Animals-continued

able to restrain the animal. Further, the Dangerous Animal must be Muzzled at all times, provided that the Animal is capable of being fitted with a Muzzle. As used herein, Muzzle is defined as any device designed to prevent the Animal from biting a person or other Animal. This regulation is intended to provide flexibility of design appropriate to the specific Dangerous Animal to be muzzled.

C. No Dangerous Animal may be kept on a porch or patio, or within any part of a house or other structure, in such a manner that would allow the Dangerous Animal to exit on its own. In addition, no Dangerous Animal may be kept in a house, or other structure, when the windows are open, or when screen windows or doors are the only obstacles preventing the animal from exiting and the screens are not sufficiently able to restrain the animal.

D. All Harborers of Dangerous Animals shall display at all points of entry to their property a sign, easily readable by the public, warning of the existence of such animals such as "Beware of Dangerous Dog." In addition, a similar sign shall be posted on the Secure Enclosure where the Dangerous Animal is kept.

E. The Owner or Harboring of any Dangerous Animal shall be required to provide public liability insurance in a single incident amount of \$100,000.00 for bodily injury or death of any person, or for damage to property, resulting from the continued ownership, keeping or maintenance of such animal. The policy of insurance shall include coverage for acts of the Dangerous Animal both on and off the Harboring's premises. Such insurance shall contain a provision that the same may not be canceled until ten (10) days notice of cancellation has been given to the Animal Service Department.

Keeping of Dangerous Animals and Exotic Animals-continued

F. The Owner of any Dangerous Animal shall have the Animal Services Department or a licensed veterinarian permanently insert a computer micro-chip in the animal for the purpose of identification. Proof of such micro-chipping, if performed by a veterinarian, shall be provided to the Animal Service Department.

G. All Dangerous Animals shall be registered with the Animal Service Department and the Owner and Harboring shall satisfy the conditions set forth in this Section. The Animal Service Department shall take and maintain a digital photograph of the registered Dangerous Animal; and the Owner or Harboring of the Animal shall bring the Animal to the Animal Service for photographing and registering. The Animal Service Department shall maintain a file containing the registration numbers and name of the Dangerous Animals and the names and addresses of the Owners and the Harboring, if different from the Owner. Registration of a Dangerous Animal shall not be transferable and shall be renewable only by the holder of the registration or by a member of the immediate family of such registrant who is at least twenty-one (21) years of age. Should an Owner of a Dangerous Animal sell or permanently give possession of the Dangerous Animal to another person, the new Owner and/or Harboring must register the animal in accordance with this Section.

H. No Dangerous Animal will be allowed to be kept within one hundred (100) yards of a school, daycare facility or other facility designed primarily to provide services to children.

I. Any Animal Service Officer or Deputy may request an on-site inspection of the location where the Dangerous Animal is kept upon twenty-four (24) hours notice. Failure of the occupant of the premises where the Dangerous Animal is kept to allow the requested inspection

Keeping of Dangerous Animals and Exotic Animals-continued

constitutes a violation of this ordinance. Further, any Animal Service Officer or Deputy may seek a warrant, from a court of proper jurisdiction, for the authority to immediately inspect the premises of the Dangerous Animal.

J. This section 8 shall not apply to Animals kept by: law enforcement agencies; public zoos; fully accredited educational or medical institutions; exhibitions to the public by traveling circus, carnival, exhibit or show; or if kept in a licensed veterinary hospital for treatment.

K. The Owner or Harboring of a Dangerous Animal shall immediately notify the Animal Service Department or DeSoto County Sheriff's Department if such animal is loose, unconfined, has attacked another Animal or human, or is otherwise missing.

SECTION 8

RESPONSIBILITY OF OWNER'S OF ANIMALS GENERALLY

A. No Harboring of any Animal shall neglect the animal. Neglect is deemed to include, but not be limited to, the following:

1. failure to provide Adequate Care to such an extent that the Animal's health is jeopardized.
2. keeping an Animal under conditions which increase the probability of transmission of disease.
3. allowing an Animal to continue to suffer unnecessary pain, including the keeping of an Animal that is diseased, maimed, incurably ill or infirmed.

B. No Owner or Harboring shall fail to provide his Animals "adequate food" and "adequate water." (i) Adequate food means sufficient quantities of non-contaminated and nutritional sustenance that is appropriate to the species, breed, size, age and health of the

Responsibility of Owner's of Animals Generally -continued

Animal. Garbage, spoiled, rancid or contaminated food is not adequate. (ii) Adequate water means clear, non-contaminated drinkable water in adequate supply that is appropriate to the species, breed, size, age and health of the Animal. Reliance upon snow, ice and rain as the source of water is not adequate.

C. No Owner or Harboring shall fail to provide his Animal an adequate Shelter.

D. No Owner shall fail to provide his Animals with "necessary veterinary care."

Necessary veterinary care means veterinary medical attention appropriate to the circumstances, whenever an Animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.

E. No Owner shall mistreat, beat, torment or cruelly tease an Animal.

F. No Animal shall be transported in an open air vehicle without proper Restraint . Nor shall any Animal be transported in the trunk of a vehicle or left unattended in a vehicle in extreme heat without proper ventilation.

G. No Animal shall be Tethered in a public place while left unattended. This provision shall not apply to assistance Animals for the disabled while accompanying its Owner or Harboring in need of such assistance.

H. If probable cause exists that any Animal(s) are kept under such conditions as to constitute a violation of this Section a civil petition for abatement may be filed by the Animal Service Department in the DeSoto County Justice Court, specifically noting the offending

Responsibility of Owner's of Animals Generally -continued

conditions. A copy of the petition shall be served on the Owner and Harboring, if different, of the Animal, with a summons to appear in said Court at a specific time and place to show cause, if any, why an Order of Abatement should not be entered against him. If evidence establishes that one or more of the offending conditions are present, the Court shall order the conditions be abated and assess Court costs against the party responsible for said conditions. In lieu of a petition for abatement, an Animal Service Officer may issue a written warning to the Owner and/or Harboring of the offending conditions. The filing of a petition for abatement or the issuance of a written warning shall not prevent charges for violation of this ordinance from being filed with the DeSoto County Justice Court against the Owner and/or Harboring.

SECTION 9

PROOF OF VACCINATION OF CERTAIN ANIMALS AGAINST RABIES

A. The Owner of any dog or cat over three (3) months of age shall, upon request of the Animal Service Officer, provide proof that the Animal has been properly inoculated with a rabies vaccine pursuant to Miss. Code Ann. § 41-53-1.

SECTION 10

PUBLIC NUISANCE AND DISTURBANCES

A. Whenever the Animal Service Department receives complaints that any Animal is a Public Nuisance the Animal Service Officer may investigate to determine if facts exist to demonstrate a Public Nuisance.

B. In response to a first complaint of Public Nuisance the Animal Service Officer may, in his discretion, issue a written notice to the Harboring of the subject Animal advising that such animal is creating a disturbance, requesting the matter be rectified and advising of the potential violation of this section of the ordinance if the matter is not rectified. If the matter is

Public Nuisance and Disturbances-continued

not resolved within ten (10) days and a second complaint of Public Nuisance is received enforcement of this ordinance shall proceed.

C. It shall not be necessary, for the purposes of establishing a Public Nuisance, to identify and describe with particularity the Animal which is causing the nuisance but only that it shall be shown who is the Harboring of the Animal or the premises where the Animal is located.

SECTION 11
ENFORCEMENT

A. If any Deputy observes any violation of this ordinance, or finds probable cause exists that a violation of this ordinance has occurred, or that any Animal(s) is a Public Nuisance, he may issue a citation to the Harboring of the Animal noting the offending conditions and charging him/her with a violation of this ordinance and setting a date and time certain for a hearing in the DeSoto County Justice Court. Any Animal Service Officer or Deputy may rely upon the sworn affidavit of any person he finds to be reliable as sufficient probable cause to proceed under this provision. Any Deputy may, in lieu of issuing a citation, file an affidavit in the DeSoto County Justice Court, specifically noting the offending conditions and charging the Harboring of the Animal with a violation of this ordinance

B. Any Animal Service Officer, who has been appointed as a deputy court clerk of the DeSoto County Justice Court or is a sworn notary public of the State of Mississippi, may obtain from, and attest to, a sworn affidavit of any person alleging a violation of this ordinance. The affidavit must include sufficient facts and details of the offending conditions and charging the Harboring of the Animal with a violation of this ordinance. The Animal Service Officer shall file the affidavit in the DeSoto County Justice Court.

Enforcement-continued

C. As an alternative to the procedures set forth under paragraphs A and B above, any member of the public may swear out an affidavit with the DeSoto County Justice Court setting forth the sufficient facts and details of the offending conditions and charging the Harboring of the Animal with a violation of this ordinance.

D. Upon receipt of any charging affidavit, as described above, the DeSoto County Justice Court shall then process the affidavit, in the same manner as affidavits asserting a violation of a criminal statute, so as to bring about the enforcement of this ordinance

SECTION 12

SEIZING, IMPOUNDING AND ADMINISTRATION OF ANIMALS

A. Any Animal Service Officer or Deputy shall have the authority to seize, impound and destroy any Animal determined to be a Feral Animal.

B. Any Animal Service Officer or Deputy shall have the authority to seize any Animal he observes Running at Large which is not in the presence of the Owner or Harboring, or any Animal which is acting as a Dangerous Animal, or any Animal found to be neglected as described in Section 8.

C. Any Deputy shall have the authority to seize and deliver to the Animal Service Department for impounding and further administration, any Animal determined to be within one of the categories identified below:

(1) Any Dangerous Animal for which the Owner fails to satisfy the conditions for maintaining a Dangerous Animal, as set forth in this ordinance, within ten (10) days of the Animal Services Department declaring the Animal to be a Dangerous Animal and directing the Harboring to comply with the provisions of Section 7.

Seizing, Impounding and Administration of Animals -continued

(2) Any Animal which is not a Dangerous Animal, but which has been released from impoundment, and the Owner or Harboring fails to meet any requirements imposed by this ordinance upon the Owner or Harboring as a condition of the return of the Animal within ten (10) days of the Animal being released from impoundment.

(3) Any Animal, which is impounded as a result of a violation of this ordinance, and the Owner, after being ordered by a court to pay fines for the offending violation, fails to make payment of the assessed fines within the time ordered by the Court.

(4) Any Animal which requires, but does not have, a vaccination tag around its neck, and the Owner or Harboring is not able to present sufficient proof that it has been properly and currently vaccinated.

(5) The Animal is acting in a manner constituting a Public Nuisance.

D. If an Animal Service Officer or Deputy determines an Animal is seriously injured or diseased to such an extent that medical care is not practical or reasonably likely to save the Animal, then under such circumstances it shall be the duty of the Animal Service Officer or Deputy to humanely euthanize said Animal with an injection, or to discharge a firearm, so as to mercifully end the life of the Animal. However, it shall first be determined that the destruction of the Animal is the sole and only effective means of controlling a health hazard, or is appropriate to end the suffering of the Animal. Reasonable efforts shall be made to first locate the Owner of any such injured or sick Animal. Such efforts to locate an owner of the Animal shall not be required if the Animal causes the officer to fear for his or her safety or

Seizing, Impounding and Administration of Animals -continued

the safety of others in near proximity or so as to prevent a public hazard, or it would be inhumane to continue to allow the Animal to suffer.

E. Any Animal taken into custody by an Animal Service Officer or Deputy will be confined in the DeSoto County Animal Shelter or, if insufficient space, any other proper Animal Shelter.

F. Upon the Animal Service Department's determination that it shall be necessary to euthanize an Animal, or place an Animal for Adoption, the Animal Service Department shall take the following steps to locate and/or notify the Animal's Owner:

(1) If the Owner is not known or not to be found, the Animal Service Officer shall take reasonable efforts to locate the Owner. If, despite reasonable efforts, an Owner cannot be identified and contacted within ten (10) days to claim ownership of said Animal, the Animal Service Department shall euthanize the Animal or place the Animal for adoption.

(2) If the Owner is identified and known, the Animal Service Department shall advise the Owner by written notice, sent certified mail, to the last known address, return receipt requested, advising the Owner the Animal is in the custody of the Animal Service Department and is to be euthanized or placed for adoption, as appropriate, if not claimed within ten (10) days. If no response is received to a properly delivered notice, or the mailed notice is returned "refused" or "not to be found," The Animal Service Department shall then proceed in accordance with paragraph G below.

G. (1) The Animal Service Department shall petition the DeSoto County Justice Court for a determination hearing to be held before a Justice Court Judge to determine if the Animal should be euthanized or placed for adoption. The DeSoto County Justice Court Clerk

Seizing, Impounding and Administration of Animals -continued

shall advise the Owner, by certified mail, return receipt requested, that a determination hearing has been set to determine whether the Animal should be euthanized or placed for adoption, and that said matter shall be heard by the Court on a date certain. Said notice shall be mailed to the Owner not less than ten (10) days prior to the determination hearing date and provide the date, time, location and purpose of the hearing.

(2) The Animal Service Officer shall present the matter to the presiding Justice Court Judge. The Owner of said Animal shall have the right to appear before the Court and object to the relief requested and show cause why the relief should not be granted.

H. (1) Upon a hearing of the facts, the presiding Justice Court Judge shall determine whether the Animal shall be euthanized, placed for adoption, returned to the Owner or such other relief the Court deems appropriate.

(2) In the event the presiding Justice Court Judge determines the Animal should be returned to the Owner, the Animal Service Department shall release the Animal to the Owner as soon as it has been confirmed that the Animal is properly vaccinated against rabies and all impound fees have been paid unless the Court order otherwise.

(3) In the event that the presiding Justice Court Judge determines that the Animal shall be euthanized or placed for adoption, the Animal Service Department shall retain control of the Animal for a period of thirty (30) days following the entry of the Court's written order. During this thirty (30) day period, the Owner of said Animal shall have the option of appealing the Court's decision to the DeSoto County County Court in the manner set forth in Rule 1.25 of the Uniform Rules of Procedure for Justice Court. If the appeal of the Owner is not perfected within this thirty (30) day period, the Animal Service Department shall be

Seizing, Impounding and Administration of Animals -continued

authorized to immediately and euthanize the Animal or place the Animal for adoption. In the event that the Owner does properly appeal the decision of the Justice Court, the Animal Service Department shall continue to retain possession of the Animal at the appropriate shelter until otherwise ordered by a court of competent jurisdiction.

I. At any time during the process for the destruction of an Animal, or placing of the Animal for adoption, the Owner of said Animal may sign a waiver agreeing to the immediate euthanization of said Animal, or placing of the Animal for adoption, and releasing all rights to the Animal.

J. At any time during the process for the destruction of an Animal, or placing of the Animal for adoption, as set forth under this Section, the Owner may request that his Animal be housed with a veterinarian instead of with the Animal Control Department by signing a written agreement which includes the Owner paying all expenses.

K. The euthanization of any Animal will be conducted in an expeditious and humane manner.

L. Notwithstanding the foregoing, the procedures required by this Section are waived for a Feral Animal, for any Animal suffering from an incurable infectious disease or to end the suffering of an Animal due to injury.

M. The Owner of an impounded Animal may also be held responsible for any violation(s) of any other section of this ordinance and subject to the appropriate penalties set forth therein. The release of the Animal to the Owner shall not be deemed a waiver of the right to proceed with the prosecution of violations of this ordinance.

SECTION 13

RELEASE OF IMPOUNDED ANIMALS

A. If by a tag or other means, the Owner of an impounded Animal can be readily identified, the Animal Service Department shall notify the Owner by telephone or mail that the Animal has been impounded. Provided the Animal is properly vaccinated, licensed and tagged, the Owner may obtain the Animal upon the payment of the impound fee as hereinafter provided, and the Owners demonstration of compliance with all other conditions of this ordinance. In the event an unvaccinated Animal is claimed by the Owner, the Owner must make arrangements for the vaccination of said Animal satisfactory to the Animal Service Department before the Animal can be claimed. An Owner reclaiming an impounded Animal shall pay the impound administration and daily care fees, in such amounts as then currently set forth in the Animal Services Department established schedule of fees, along with any medical care costs incurred by the Animal Services Department.

SECTION 14

IDENTIFICATION AND DESTRUCTION OF RABID ANIMALS

A. (i) In case of an attack by any Animal resulting in Sever Injury to any human, unless otherwise provided herein, shall be impounded at an appropriate Animal Shelter by the Animal Service Division for observation for a period of ten (10) days to determine if the Animal is rabid. (ii) In case of an attack by any Animal resulting in Sever Injury to any Pet or Livestock, unless otherwise provided herein, shall be impounded at an appropriate Animal Shelter by the Animal Service Division for observation for a period of ten (10) days to determine if the Animal is rabid. If verified proof is presented to the Animal Services

Identification and Destruction of Rabid Animals -continued

Department that the Animal is current on rabies vaccinations this holding period may be waived.¹

B. The Owner or Harboring may, upon notification to the Animal Service Department, may have such Animal placed with a private veterinarian, licensed to practice veterinary medicine within the State of Mississippi, or a private Animal Shelter, for the required holding period. Such placement shall be at the expense of the person causing placement of the Animal with the private facility.

C. If at the end of above periods of time, or any time prior thereto, it is determined that said Animal has rabies, such Animal shall be immediately destroyed without the necessity of notice to the Owner.

SECTION 15 **ABANDONMENT**

A. It shall be unlawful for anyone to knowingly abandon or to aid in the abandonment of any Animal. An Animal relinquished through written agreement with the Animal Services Department, a licensed rescue group, a licensed shelter, a licensed veterinarian, another responsible individual, or other entity shall not be deemed abandoned but shall be considered relinquished to the receiving entity.

SECTION 16 **WILDLIFE**

A. All complaints and matters concerning wild animals and complaints involving game animals or protected species and/or hunting, shall be forwarded to the Mississippi Fish and Game, Wildlife Rehab or a private pest control service.

¹ The waiver of the 10 day holding period is only applicable to subsection(ii) attack by an Animal upon a Pet or Livestock.

SECTION 17
ADOPTIONS

A. All persons adopting Animals from the Animal Service Department shall be over 18 years of age and shall provide adequate and humane care, feeding and shelter as required by this ordinance. Any person adopting an Animal shall not use the Animal for breeding and shall not use the Animal or supply the Animal to any individual or institution which may use the Animal in research. The frequency with which Animals may be adopted and placed in any household may be restricted by the Animal Services Department.

B. Any person adopting an Animal from the Animal Services Department shall pay an adoption fee in an amount stated in the Animal Services Department schedule of fees, which may also include all or part of the costs of an examination and rabies inoculation and all or part of the costs associated with neutering or spaying dogs and cats.

C. Any person adopting an intact dog or cat shall cause it to be spayed or neutered (sterilized) within a period specified as follows, within 30 days from the date of adoption for animals over the age of six months, or within the first six months of age for sexually immature animals. Any adopted dog or cat not sterilized within the time specified may be reclaimed by animal control. If an animal becomes pregnant after the time specified for the animal to be spayed, the owner may be charged for violating this article.

SECTION 18
PENALTIES

A. Any Owner whose Animal attacks, injures or harms any human, Domestic Animal, Pet or Livestock as a result of the Harboring's violation or noncompliance of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less

Penalties-continued

than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation shall be deemed a separate offense.

B. Any person violating any provision of this ordinance, for which no penalty is otherwise specifically provided for, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for a first offense. For any second offense occurring within a two (2) year period of time, a fine in the amount of not less than two hundred-fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), and/or a period of incarceration not to exceed thirty (30) days shall be imposed. For any third or subsequent offense occurring within a two (2) year period of time there shall be assessed a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or a period of incarceration not to exceed one hundred and eighty (180) days. No portion of any fines assessed may be suspended. Each violation of any provision of this ordinance shall be deemed a separate offense.

C. The Court, in addition to the penalties provided herein, may order the person violating this ordinance to pay restitution to any person suffering damages resulting from the violation.

D. The Court, in addition to the penalties provided herein, shall order the person violating this ordinance to pay the impound fees set forth in Section 14.

SECTION 19

WEAPONS

Animal Service Officer may carry such weapons as are approved by the Board of Supervisors which are reasonably necessary to fulfill the obligations required of him/her, as set forth herein, and achieve the intentions of this ordinance provided, however, the Animal Control Officer is at all times, properly licensed, permitted and qualified to use any weapon carried, as required by any applicable local, state and federal laws, statutes and ordinances.

SECTION 20

SEVERABILITY

If any provision of this ordinance is ruled illegal, unconstitutional or otherwise unenforceable by a Court of competent jurisdictions, the remaining provisions shall continue in full force and effect.

SECTION 21

CONFLICT

Any other ordinances of DeSoto County, Mississippi, which are conflicting or inconsistent with this ordinance, are hereby repealed to the extent of any inconsistencies or conflicts.

SECTION 22

ORDINANCE CUMULATIVE

This ordinance shall be cumulative and in addition to any other laws in force.

SECTION 23

REPEALER

All ordinances and amendments prior hereto establishing guidelines and regulations for the enforcement of animal control within DeSoto County, Mississippi, are repealed by the enacting of this ordinance.

SECTION 24

EFFECTIVE DATE

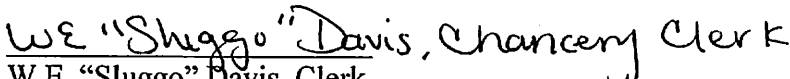
This ordinance shall become effective immediately upon passage by the DeSoto County Board.

SO ORDAINED and adopted by the Board of DeSoto County, Mississippi, on this the 4th day of August, 2014.


LEE CALDWELL, President
DESOTO COUNTY BOARD

I, hereby, certify that the foregoing is a true copy of the Ordinance Establishing Guidelines And Regulations For Animal Control Within DeSoto County, Mississippi adopted in the regular meeting of the DeSoto County Board of Supervisors on the 4th day of August, 2014.

ATTEST:


W.E. "Sluggo" Davis, Clerk
By: D. Smith, DC

